

Notice of Allowability

Application No.

09/638,924

Examiner

Qutub Ghulamali

Applicant(s)

BETTS ET AL.

Art Unit

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 09/12/2005.
2. ☒ The allowed claim(s) is/are 75-79, 81-86, 88, 94-103, renumbered as claims 1-5, 6, 8-12, 13, 15-18, 20, 21, 7, 14, 19 and 22 respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


JEAN B. CORRIELUS
PRIMARY EXAMINER

10-31-05

DETAILED ACTION

Acknowledgement

1. This Office Action is responsive to the Amendment filed on 09/12/2005.
2. The Office further acknowledges cancellation by the applicant of claims 1-51, 52-55, 56-62, 63-74 and 89-93, and addition of claims 100-103.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Ms. Karen Hazzah on 10/31/2005.

4. The application has been amended as follows:

IN THE CLAIMS:

Claim 77, line 2, "cadence interval variability" has been replaced by --variability of a cadence interval of the transient--.

Claim 78, line 2, after rate ";" has been replaced by ---.

Claim 80, has been cancelled.

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Claims 83-86 and 88, line 1, "method" has been replaced by --computer readable medium--.

Claim 84, line 2, "cadence interval variability" has been replaced by --variability of a cadence interval of the transient--.

Claim 85, line 2, after rate ";" has been replaced by --.---.

Claim 87, has been cancelled.

Claim 97, line 1, "system" has been replaced by --method--.

Claim 97, line 2, "cadence interval variability" has been replaced by --variability of a cadence interval of the transient--.

Claim 99, line 1, "system" has been replaced by --method--.

Claim 99, line 2, "cadence interval variability" has been replaced by --variability of a cadence interval of the transient--.

Claim 101, line 1, "method" has been replaced by --computer readable medium--.

Claim 102, line 1, "system" has been replaced by --method--.

Claim 103, line 1, "system" has been replaced by --method--.

Response to Arguments/Amendment

5. Applicant's arguments see pages 8-11, filed 09/12/2005, with respect to claims 75, 82, 94 have been fully considered and are persuasive. The rejection of claims 75, 82 and 94 has been withdrawn.

6. ~~Claims 75-88 and 94-103 are allowed.~~

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qutub Ghulamali whose telephone number is (571) 272-3014. The examiner can normally be reached on Monday-Friday from 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QG.
October 28, 2005.



JEAN B. CORRIELUS
PRIMARY EXAMINER

10-31-05